HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24402 of 2006

Dated:13.12.2006

Between:

K.Kalesha Saheb.

…Petitioner

and

A.P.C.P.D.C.L and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24402 of 2006

ORDER:

The petitioner is a Proprietor of an Ice-cream Parlour. He availed power supply under two Service Connections bearing Nos.4076 and 5180. On 14.03.2000 the third respondent inspected the petitioner's premises and after noticing incriminating circumstances, provisionally came to the conclusion that the petitioner is guilty of pilferage of energy. He accordingly assessed the value of the pilfered energy at Rs.98,237/- and issued a provisional assessment order. The same was confirmed by the competent authority by proceedings dated 22.12.2000 fixing the liability on the petitioner to the tune of Rs.98,237/- and Rs.85,609/- for two connections. The petitioner alleges that no notice was issued either by the provisional assessing authority or the final assessing authority. Be that as it is, the petitioner approached the first respondent by making representation. In response thereto, the first respondent issued a letter dated 26.08.2006 requesting the petitioner to pay the amount as assessed by the Superintending Engineer (Assessment), Hyderabad. Aggrieved by the same, the present Writ Petition is filed.

Except enclosing the representation, dated 17.06.2006, the petitioner has not annexed any material with the Writ Petition. Therefore, it is not possible for this Court to appreciate the contention that no opportunity was given. Further, after getting instructions, learned Standing Counsel for Central Power Distribution Company

Limited submits that due process is followed before issuing the final assessment order, and the petitioner did not file a regular appeal. This only shows that the petitioner has acquiesced in the orders passed by the second respondent, and when the final notice for payment is issued, he approached this Court. In such a case, a Writ Petition would not lie.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

13.12.2006
vs